

Public Hearing: January 31, 2005

F A C T S H E E T

TITLE: Resolution for Impact Fee Appeal
with Wachal Pet Health Center at 201 Capitol
Beach Blvd., Suite 10.

SPONSOR:

OPPONENTS: Public Works & Utilities

OTHER DEPARTMENTS AFFECTED:

STAFF RECOMMENDATION: Denial

APPLICANT: Wachal Pet Health Center;
Dr. Mark Wachal

REASON FOR LEGISLATION: Impact Fee Appeal

D I S C U S S I O N

This application does not meet any of the stipulations required for reduction in an impact fee. According to Section 27.82.110 of the Impact Fee Ordinance, the City Council shall not waive fees unless there is a finding that the fee was incorrectly calculated or that there are unusual circumstances which demonstrate that application of the fee for the development would be unfair or unjust. Those findings do not exist in this matter.

The arterial street impact fee for all commercial uses are calculated based upon peak hour trip rate generated per square foot of gross floor area pursuant to the Institute of Transportation Engineers (ITE) traffic generation manual. The Medical Office Building trip rate has been calculated based on over 40 traffic count studies nationwide.

The arterial street impact fee was correctly calculated based upon the Arterial Street Impact Fee Schedule. Appellant is converting 611 square feet of an adjacent space, previous use was a Laundromat, into additional space for the Wachal Pet Health Center. Lincoln Municipal Code § 27.82.050(4) provides that the impact fee shall be based on the net increase in the fee for the new use as compared to the previous use provided that the previous use was in operation within 15 years prior to the building permit for the redevelopment. Here the previous use of the 611 square feet is a retail space. According to the Arterial Street Impact Fee Schedule, beginning January 1, 2004, the Arterial Street Impact Fee for a retail space of less than 100,000 sq ft is \$2.178 per square foot. Therefore, calculating the fee pursuant to Lincoln Municipal Code § 27.82.050(4) the impact fee is (Medical Office \$4.160 x 611 square feet) \$2541.76 - (Retail Space \$2.178 x 611 square feet) \$1330.76 = \$1211.00.

POLICY OR PROGRAM CHANGE: No

FACT SHEET PREPARED BY:

Asst. Public Works/Utilities Business Manager

REVIEWED BY:

Director of Public Works/Utilities